IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 25th day of July 2005
Criminal Misc. Bail Application No.606/2005
Order on the bail application of accused

Criminal side

Mohan Singh
S/o Shri Kalyan Singh
R/o village Bedgaon
Patwari Circle Narainbagar
Tehsil Tharali
District Chomoli .....Applicant

Versus

State of Uttaranchal ……Opposite Party

Arising out of case crime No.4 of 2004
U/s 302, 392 I.P.C.
Registered on the basis of FIR dated 20.9.2004
Patwari Circle Narainbagar
Tehsil Tharali
District Chamoli

Hon'ble J. C. S. Rawat, J.

Heard Sri R. P. Nautiyal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that the deceased sustained injuries due to fall and the applicant has been falsely implicated in the matter. It was further contended that the wife of the deceased has lodged the FIR regarding the death of her husband, but she was not the eye-witness of the incident. She categorically stated that the villagers informed her with regard to the incident, but she did not particularly mention that who has informed her. It was further contended that Mahendra Singh, who is said to be the eye-witness, stated that he saw the incident and the injured was taken to Primary Health Centre (P.H.C.), Narainbagar. Thereafter, the injured was referred to P.H.C., Karanprayag from where he was referred to Dehradun Medical College. It was further contended that no memo was given and to medico-legal entries were made in the register in any of the aforesaid hospitals i.e. P.H.C, Narainbagar & Karanprayag. It was further contended that medical examination of the deceased took place at 9:20AM on 20.9.2004,

whereas the report was lodged at about 11AM on 20.9.2004. It was further contended that the deceased died after a lapse of one month on 21.10.2004. The learned counsel for the applicant contended that when the dead body was taken for panchayatnama it was reported by the person that the deceased sustained the injuries due to fall. The learned counsel for the applicant contended that the statement of Dhirendra was recorded after a lapse of seven days and no explanation has been given in the case-diary. The learned counsel for the applicant contended that the letter was sent on behalf of the Vyapaar Mandal that the incident took place and accused had committed the crime, but no name has been mentioned in that letter that who has sent the same. The Investigating Officer recorded the their statement under section 161 Cr.P.C. Considering the facts, contentions and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J. C. S. Rawat, J.)

Dated 25.07.2005

LSR